

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA FOR THE
USE AND BENEFIT OF JOHN W. HARRIS
d/b/a SHAUNDO CONSTRUCTION
SERVICES,

Plaintiff,

Civ. No. 05-0044 MV/ACT

vs.

UNITED STATES FIDELITY AND
GUARANTEE AS BONDHOLDER FOR M-
V INDUSTRIES, INC.,

Defendant.

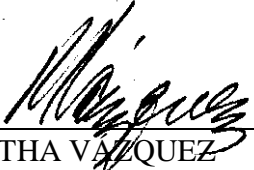
MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on Defendant's Motion for Dismissal for Failure to Join Indispensible Party, filed March 4, 2005, [**Doc. No. 3**], and Defendant's Motion for a Hearing on its Motion for Dismissal for Failure to Join Indispensible Party, filed March 4, 2005, [**Doc. No. 2**]. Defendant's motion requests that the Court dismiss this case for failure to join an indispensable party--M-V Industries, Inc.--pursuant to Fed. R. Civ. P. 19. Plaintiff subsequently filed an Amended Complaint adding M-V Industries, Inc., as a defendant. *See* Amended Complaint, filed June 20, 2005, [Doc. No. 12].

IT IS THEREFORE ORDERED that Defendant's Motion for Dismissal for Failure to Join Indispensible Party, filed March 4, 2005, [**Doc. No. 3**], and Defendant's Motion for a

Hearing on its Motion for Dismissal for Failure to Join Indispensible Party, filed March 4, 2005,
[Doc. No. 2], are **DENIED as moot**.

Dated this 19th day of July, 2005.



MARTHA VÁZQUEZ
U. S. DISTRICT COURT JUDGE